THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
and
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 16182 of 2007

O R D E R: (Per the Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed seeking to direct the respondents 1 and 2 to promote the petitioner to the post of Additional Director in the DPC by implementing the orders passed by the A.P. Administrative Tribunal in O.A. No. 2611 of 2007 dated 3.5.2007.

Heard the learned counsel for the petitioner and the learned Government Pleader for Services I appearing for respondents 1 and 2 and perused the material available on record.

The case of the petitioner is that the seniority list of Joint Directors was prepared by the 1st respondent on 13.10.2006 and he was placed at Serial No. 187 and as his seniors at Sl.Nos. 179, 180 and 181 are facing disciplinary proceedings and the person at Serial No. 148 retired on 30.4.2007, he has to be considered for promotion. The petitioner approached the Tribunal by filing O.A. 2611 of 2007 and the Tribunal passed an interim order on 3.5.2007 as follows:

> "Pending further consideration, there shall be a direction to the respondents to consider the claim of the applicant for promotion to the post of Additional Director, if he is otherwise eligible and qualified and comes within the zone of consideration in accordance with the Rules".

The respondents filed counter stating, inter alia, that there is a dispute with regard to the date of birth of the petitioner and

that his continuation beyond 31.12.2005 itself is against the Rules. According to the learned counsel for the petitioner, the issue relating to the date of birth has already been settled in 2003 itself and the matter has been reopened by the respondents. But, however, that is not the subject matter of the writ petition and therefore we are not inclined to go into the merits of the said aspect.

Admittedly, the direction of the Tribunal is to consider the case of the petitioner if he is otherwise eligible and qualified and comes within the zone of consideration in accordance with the Rules. Having regard to the facts and circumstances, we direct the respondents to consider the case of the petitioner with reference to his eligibility to hold the post of Additional Director, as per Rules.

The writ petition is accordingly disposed of.

T. MEENA KUMARI, J.

G. CHANDRAIAH, J.

Date: 14-08-2007.

MVB.